



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 03 2009

REPLY TO THE ATTENTION OF

AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. John Ambrose  
President  
Rentech Energy Midwest Corporation  
16675 Highway 20 West  
East Dubuque, Illinois 61025-0229

Re: Rentech Energy Midwest Corporation  
East Dubuque, Illinois  
Administrative Consent Order EPA-5-09-113(a)-04-IL

Dear Mr. Ambrose:

I have enclosed an Administrative Order (AO) relating to Rentech Energy Midwest Corporation (Rentech's) compliance with Section 608 of the Clean Air Act, 42 U.S.C. § 7471g.

If you have any questions, please contact Sara Breneman (312-886-0243) or Michelle Heger (312-886-4510) of my staff. Any legal questions should be directed to Cynthia A. King, Associate Regional Counsel, at 312-886-6831.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brent Marable".

Brent Marable, Chief  
Air Enforcement and Compliance Assurance Section  
(IL/IN)

Enclosure

cc: Ray Pilapil, Manager  
Bureau of Air, Compliance and Enforcement Section  
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

|                                    |   |  |
|------------------------------------|---|--|
| <b>IN THE MATTER OF:</b>           | ) | <b>EPA-5-09-113(a)-04-IL</b>                     |
|                                    | ) |  |
| Rentech Energy Midwest Corporation | ) | <b>Proceeding Under Section 113(a)(3) of</b>     |
| East Dubuque, Illinois             | ) | <b>the Clean Air Act, 42 U.S.C. § 7413(a)(3)</b> |
|                                    | ) |  |

**Administrative Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Administrative Order (Order) to Rentech Energy Midwest Corporation (Rentech) in East Dubuque, Illinois under Section 113(a)(3) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3).

**Statutory and Regulatory Background**

2. Section 608 of the Act, 42 U.S.C. § 7471g, requires the Administrator of EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of "Class I" and "Class II" ozone-depleting substances.

3. On May 14, 1993, in accordance with Section 608 of the Act, 42 U.S.C. § 7471g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to Recycling and Emissions Reduction (the Stratospheric Ozone Protection regulations).

4. 40 C.F.R. § 82.150(b) provides that the Stratospheric Ozone Protection regulations apply to any "person" servicing, maintaining, or repairing "appliances," as those terms are defined at 40 C.F.R. § 82.152.

5. The Stratospheric Ozone Protection regulations at 40 C.F.R. § 82.156(i)(2), require that an owner or operator of industrial process refrigeration equipment normally

containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period. Repairs must bring annual leak rates to below 35 percent during a twelve month period within 30 days after discovery of the leak.

6. The Stratospheric Ozone Protection regulations at 40 C.F.R. § 82.156(i)(3), require that an owner or operator of industrial process refrigeration equipment conduct a follow-up verification test within 30 days after the initial verification test.

7. The Stratospheric Ozone Protection regulations at 40 C.F.R. § 82.156(i)(3)(ii), require that an owner or operator of industrial process refrigeration equipment must retrofit or retire such equipment within one year of failing the follow-up verification test.

8. The Stratospheric Ozone Protection regulations at 40 C.F.R. § 82.156(i)(3)(iii), require that an owner or operator of industrial process refrigeration equipment that fails a follow-up verification test must notify EPA within 30 days of the failed follow-up verification test.

9. The Stratospheric Ozone Protection regulations at 40 C.F.R. § 82.156(i)(6), state that an owner or operator of industrial process refrigeration equipment are not required to repair a leak if they develop a one-year retrofit and retirement plan within 30 days of discovering the exceedance of the applicable leak rate or within 30 days of a failed follow-up verification test. The plan must be dated and kept at the site of the appliance.

10. Under Section 113(a)(3)(B) of the Act, 42 U.S.C. § 7413(a)(3)(B), the Administrator may issue an order requiring compliance to any person who has violated or is violating any requirement of the Act. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

### **Findings and Allegations**

11. Rentech owns and operates an ammonia fertilizer production facility in East Dubuque, Illinois (the Facility). The Facility is a Title V facility.

12. The Facility contains an industrial process refrigeration unit (Unit B) with normal refrigerant charge of over 50 pounds.

13. Rentech submitted a self-disclosure pursuant to EPA's Audit Policy to the Director of the Air and Radiation Division, EPA, Region 5, dated September 15, 2008, and provided additional information on November 20, 2008.

14. Rentech disclosed alleged violations of the Stratospheric Ozone Protection regulations at Unit B.

15. Between January 20, 2006 and June 26, 2006, Unit B experienced leaks that resulted in an annual leak rate exceeding 35 percent in violation of 40 C.F.R. § 82.156(i)(2), and Section 608 of the Act, 42 U.S.C. § 7471g.

16. Between January 20, 2006 and June 26, 2006, Rentech failed to perform a follow-up verification test to verify that the repairs performed on the unit had brought the leak rate to below 35 percent in violation of 40 C.F.R. § 82.156(i)(3), and Section 608 of the Act, 42 U.S.C. § 7471g.

17. Between January 20, 2006 and June 26, 2006, Rentech failed to retrofit or retire the unit within one year following an exceedance of the applicable leak rate or a failed follow-up verification test in violation of 40 C.F.R. § 82.156(i)(3)(ii), and Section 608 of the Act, 42 U.S.C. § 7471g.

18. Between January 20, 2006 and June 26, 2006, Rentech failed to notify EPA of the Unit's failed follow-up verification test in violation of 40 C.F.R. § 82.156(i)(3)(iii), and Section

608 of the Act, 42 U.S.C. § 7471g.

19. Between January 20, 2006 and June 26, 2006, Rentech failed to develop a retrofit or retirement plan when repairs performed on the units were unable to bring the leak rate below 35 percent in violation of 40 C.F.R. § 82.156(i)(6), and Section 608 of the Act, 42 U.S.C. § 7471g.

20. On February 12, 2009, and May 14, 2009, representatives of Rentech and EPA met to discuss the violations, a proposed compliance plan, and a proposed penalty.

### **Compliance Program**

21. Within one year of the Effective Date of this Order, Rentech must replace Unit B with a unit that uses a Non-Ozone Depleting Substance.

22. Rentech's compliance with this Order shall constitute compliance with the requirement under 40 C.F.R. § 82.156(i)(6) that Rentech develop a retrofit or retirement plan for Unit B.

23. Rentech shall maintain continuous compliance with 40 C.F.R. Part 82, Subpart F.

24. On or before September 1, 2010, Rentech must certify that it has complied with this Order.

25. Rentech must submit the certification required by this Order to:

Attn: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3511

Cynthia A. King, (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3511

### General Provisions

26. This Order does not affect Rentech's responsibility to comply with other federal, state and local laws.

27. This Order does not restrict EPA's authority to enforce Section 608 of the Act, 42 U.S.C. § 7471g, or any other section of the Act.

28. Failure to comply with this Order may subject Rentech to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

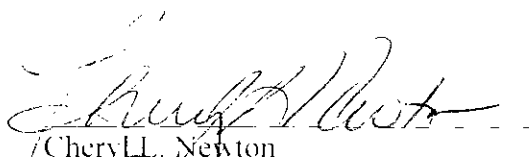
29. The terms of this Order are binding on Rentech, its assignees and successors. Rentech must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

30. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

31. Section 113(a)(4), 42 U.S.C. § 7413(a)(4), provides that a person to whom an Order is issued may request a meeting regarding the alleged violations. Rentech and EPA have conferred regarding these violations. Therefore, this Order is effective on the date of signature by the Director of the Air and Radiation Division for a period of one year.

Date

9/3/09

  
Cheryl L. Newton  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent the executed Administrative Consent Order,  
EPA Order No. EPA-5-09-113(a)-04-IL, by Certified Mail, Return Receipt Requested, to:

Mr. John Ambrose  
President  
Rentech Energy Midwest Corporation  
16675 Highway 20 West  
East Dubuque, Illinois 61025-0229

I also certify that I sent a copy of the executed Administrative Consent Order, EPA Order  
No. EPA-5-09-113(a)-04-IL, by First Class Mail to:

Ray Pilapil, Manager  
Bureau of Air  
Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

on the 9<sup>th</sup> day of September 2009.

Betty Williams  
Betty Williams,  
Administrative Program Assistant,  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0005 8916 0293